IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.4491 OF 2006

Bakelal @ Ramesh Bansilal Yadav ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri A.K.Singh, adv. for the Applicant.
Shri Y.S.Shinde, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 5th March, 2007.

P.C.:

1. Heard Mr.A.K.Singh, the learned counsel for the applicant and Mr.Shinde, the learned APP for the State.

2. The applicant seeks to be released on bail in crime no.179 of 2006 registered by Dahisar police station for the offences punishable under Sections 302, 376, 449 and 380 of the I.P.C.

3. The prosecution case in brief is that the present applicant was working as a labourer for fixation of sliding windows in Flat no.16 of building no.7 in Sudhindra Nagar, Dahisar. In flat no.15, the deceased Vasudha, who was aged about 19 years, was living . On one occasion, the present applicant took drinking water from her and thereafter, he again went to her for drinking water on the next day and when she was about to

give water, the present applicant closed the door and latched it from inside and thereafter he tried to commit rape on her, she resisted and therefore, the present applicant allegedly stabbed her with knife. After that he committed rape on her. She died because of the said stab wound. The incident occurred on 15-5-2006. The present applicant absconded thereafter. He had also taken away mobile handset, which was in possession of Vasudha. On that mobile, he contacted his friends and finally on the basis of the said calls on the mobile handset, the present applicant accused was traced and arrested on 25-5-2006 at Mirzapur in U.P. There is a strong circumstantial evidence to connect the present applicant-accused with the said offence. His finger prints were found at the spot. Semen stains of 'AB' group were found on the bedsheet, kurta of the victim girl and those semen stains tallied with the group of the present applicant. The present applicant had contacted some persons in U.P. on the said mobile handset of Vasudha and later on , he appears to have disposed of or thrown away that handset. Taking into consideration gruesome offence of rape and murder and the circumstantial evidence available against the present applicant, I find that it will not be in the interest of justice to grant bail to the present applicant. The applicant had absconded from Bombay

immediately after commission of crime and was arrested at Mirzapur. Possibility can not be ruled out of his absconding again if he is granted bail. The learned APP informs that the matter is fixed before the Sessions Court on 9th March, 2007 for framing of the charge.

4. For the aforesaid reasons, application stands rejected.

(J.H.Bhatia,J.)